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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

**EMPLOYERS REINSURANCE CORPORATION
n/k/a WESTPORT INSURANCE
CORPORATION.**

CASE NO. C. 09-01610 PJH

Plaintiff.

VS.

ORDWAY INDEMNITY, LTD.,

ORDWAY INDEMNITY, LTD.'S AMENDED
NOTICE OF MOTION TO FILE MOTION TO
COMPEL ARBITRATION AND STAY
PROCEEDINGS WITH SELECTIVE PORTIONS
OF DOCUMENTS UNDER SEAL

Defendant.

TO THE DISTRICT COURT, THE PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that defendant Ordway Indemnity, Ltd. (“Ordway”) will on Wednesday, February 3, 2010 at 9:00am, at the Ronald Dellums Federal Building and Courthouse, 1301 Clay Street, Oakland, CA 94612-5212, in Courtroom 3, 3rd Floor, move the Court pursuant to Section 4 of the Federal Arbitration Act, 9 U.S.C. § 4, for an order compelling arbitration of all claims and issues asserted in the Complaint filed by plaintiff Employers Reinsurance Corporation n/k/a/ Westport Insurance Corporation (“ERC “).

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Further, Defendant moves for an order staying these proceedings pursuant to Section 3 of the Federal Arbitration Act, 9 U.S.C. § 3, pending the outcome of the arbitration.

Respectfully submitted,

Dated: December 29, 2009

MARION'S INN LLP
Kennedy P. Richardson
Thomas M. Freeman
Bonnie A. Miluso

By: _____

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Attorneys for Defendant Ordway Indemnity, Ltd.